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7
8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 FRANK COHN, Individually and on behalf
11 of a class of all similarly situated persons,

12 Plaintiff,

13 v.

14 RITZ TRANSPORTATION, INC., AWG
15 AMBASSADOR, LLC, ALAN WAXLER
and RAYMOND CHENOWETH,

16 Defendant.
17
18

CASE NO.: 2:11-cv-01832-JCM-RJJ

**DEFENDANT'S ANSWER TO COMPLAINT
AND COUNTER CLAIM**

19
20 **DEFENDANTS' ANSWER TO COMPLAINT**

21 Defendant; RITZ TRANSPORTATION, INC., AWG AMBASSADOR, LLC, ALAN
22 WAXLER, RAYMOND CHENOWETH ; by and through its attorney, NORMAN H.
23 KIRSHMAN, for its Answer to the Complaint, admit, deny and allege as follows:

24 1. Answering paragraph 1, admit.

25 2. Answering paragraph 2, Defendants' have no knowledge as to the allegations, and
26 therefore denies the allegations.
27

28 //

1 3. Answering paragraph 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
2 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42,
3 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58, deny.
4

5
6 **AFFIRMATIVE DEFENSES**

7 **FIRST AFFIRMATIVE DEFENSE**

8 Each Claim of Plaintiff's Complaint fails to state a claim upon which relief can be granted.
9

10 **SECOND AFFIRMATIVE DEFENSE**

11 The Complaint and each and every claim contained therein, are ambiguous and uncertain,
12 and thus fail to state a claim, in law or equity, against Defendants.
13

14 **THIRD AFFIRMATIVE DEFENSE**

15 Plaintiff's claims are barred by the doctrines laches.
16

17 **FOURTH AFFIRMATIVE DEFENSE**

18 Plaintiff is barred from any recovery based on the statute of limitations.
19

20 **FIFTH AFFIRMATIVE DEFENSE**

21 Plaintiff failed to mitigate his damages.

22 **WHEREFORE**, Defendant prays:

- 23 1. That Plaintiff takes nothing by his Complaint;
24 2. For judgment in favor of Defendant and against Plaintiff;
25 3. For all expenses including reasonable attorneys' fees;
26 4. For all costs of suit; and
27 5. For such other and further relief as the Court may deem just and proper.
28

COUNTERCLAIM AGAINST FRANK COHN, Individually

Breach of Duty of Loyalty

1. During his employment with Counterclaimant, in the Complaint, Defendant Cohn, individually, by reason of his gross negligence was involved in several collisions resulting in damages to the Counterclaimant, in the amount of \$10,000.00.

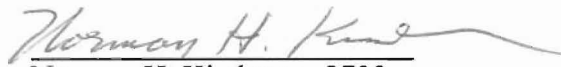
2. Defendant Cohn deliberately caused the collisions with malice to induce Counterclaimants to discharge him, and create violations by Counterclaimants of Nevada laws.

WHEREFORE, Counterclaimant prays:

1. Counterclaimants take Judgement against Counterdefendant Cohn for their damages in accordance with the evidence, plus interest, therein;
2. Punitive damages;
3. For all expenses including attorneys' fees;
4. For all costs of suit.

DATED: November 28, 2011

Respectfully submitted,


Norman H. Kirshman, 2733
700 South Third Street
Las Vegas, NV 89101
Attorney for Defendant

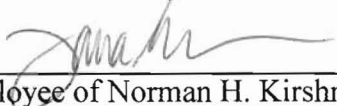
CERTIFICATE OF MAILING

I hereby certify that on the 28th day of November, 2011, I served a true and correct copy of **"DEFENDANT'S ANSWER TO COMPLAINT AND COUNTER CLAIM"** by:

 X serving the following parties electronically through CM/ECF as set forth below;
 faxing a copy to the numbers below;
 depositing a copy in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

Leon Greenberg
Dana Sniegocki
Leon Greenberg Professional Corporation
2965 South Jones Blvd., Suite E-4
Las Vegas, NV 89146

Christian Gabroy
Gabroy Law Offices
170 S. Green Valley Pkwy., Suite 280
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An Employee of Norman H. Kirshman, P.C.